

SERFF Tracking Number: ARKS-125432375 State: Arkansas  
Filing Company: 00006 - INSURANCE SERVICES OFFICE, INC. State Tracking Number: #104688 \$500  
Company Tracking Number: FR 2007-OLTR1  
TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0022 Other  
Product Name: Liability  
Project Name/Number: /

## Filing at a Glance

Company: 00006 - INSURANCE SERVICES OFFICE, INC.

Product Name: Liability	SERFF Tr Num: ARKS-125432375	State: Arkansas
TOI: 17.0 Other Liability - Claims Made/Occurrence	SERFF Status: Closed	State Tr Num: #104688 \$500
Sub-TOI: 17.0022 Other	Co Tr Num: FR 2007-OLTR1	State Status: Fees verified and received
Filing Type: Form	Co Status:	Reviewer(s): Becky Harrington, Betty Montesi, Brittany Yielding
	Author:	Disposition Date: 01/23/2008
	Date Submitted: 01/15/2008	Disposition Status: Approved
Effective Date Requested (New): On Approval		Effective Date (New):
Effective Date Requested (Renewal):		Effective Date (Renewal):
State Filing Description:		
Terrorism forms for Farm Liability and Farm Umbrella		
Received from ER on 1/23		

## General Information

Project Name:	Status of Filing in Domicile:
Project Number:	Domicile Status Comments:
Reference Organization:	Reference Number:
Reference Title:	Advisory Org. Circular:
Filing Status Changed: 01/23/2008	
State Status Changed: 01/23/2008	Deemer Date:
Corresponding Filing Tracking Number:	
Filing Description:	
Farm Liability and Farm Umbrella Terrorism Forms	

## Company and Contact

SERFF Tracking Number: ARKS-125432375 State: Arkansas  
Filing Company: 00006 - INSURANCE SERVICES OFFICE, INC. State Tracking Number: #104688 \$500  
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TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0022 Other  
Product Name: Liability  
Project Name/Number: /

### Filing Contact Information

NA NA, NA@NA.com  
NA (123) 555-4567 [Phone]  
NA, AR 00000

### Filing Company Information

00006 - INSURANCE SERVICES OFFICE, INC. CoCode: 6 State of Domicile: Arkansas  
No Address Group Code: Company Type:  
City, AR 99999 Group Name: State ID Number:  
(999) 999-9999 ext. [Phone] FEIN Number: 99-9999999  
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### Filing Fees

Fee Required? No  
Retaliatory? No  
Fee Explanation:  
Per Company: No

SERFF Tracking Number: ARKS-125432375 State: Arkansas  
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## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved	Becky Harrington	01/23/2008	01/23/2008

*SERFF Tracking Number:*      *ARKS-125432375*                      *State:*                      *Arkansas*  
*Filing Company:*              *00006 - INSURANCE SERVICES OFFICE, INC.* *State Tracking Number:*      *#104688 \$500*  
*Company Tracking Number:*      *FR 2007-OLTRI*  
*TOI:*                      *17.0 Other Liability - Claims Made/Occurrence*      *Sub-TOI:*                      *17.0022 Other*  
*Product Name:*              *Liability*  
*Project Name/Number:*      */*

## **Disposition**

Disposition Date: 01/23/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment: effective upon approval

Rate data does NOT apply to filing.

SERFF Tracking Number: ARKS-125432375 State: Arkansas

Filing Company: 00006 - INSURANCE SERVICES OFFICE, INC. State Tracking Number: #104688 \$500

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Product Name: Liability

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
Supporting Document	ARKS-125432375		No
Form	Cap Cert Terr	Approved	Yes
Form		Approved	Yes
Form		Approved	Yes
Form		Approved	Yes
Form		Approved	Yes
Form		Approved	Yes
Form		Approved	Yes
Form		Approved	Yes

SERFF Tracking Number: ARKS-125432375 State: Arkansas

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Company Tracking Number: FR 2007-OLTRI

TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0022 Other

Product Name: Liability

Project Name/Number: /

## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Cap Cert Terr	FB 10 40	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FB 10 43	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FB 10 50	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FB 10 59	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FL 10 40	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FL 10 44	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FL 10 70	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FL 10 73	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00 Previous Filing #:		
Approved		FL 10 96	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #:0.00		

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Product Name: Liability  
Project Name/Number: /

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Previous Filing #:





*SERFF Tracking Number:*      *ARKS-125432375*                      *State:*                      *Arkansas*  
*Filing Company:*              *00006 - INSURANCE SERVICES OFFICE, INC.* *State Tracking Number:*      *#104688 \$500*  
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*TOI:*                      *17.0 Other Liability - Claims Made/Occurrence*      *Sub-TOI:*                      *17.0022 Other*  
*Product Name:*              *Liability*  
*Project Name/Number:*      */*

## **Rate Information**

Rate data does NOT apply to filing.

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Product Name: Liability  
Project Name/Number: /

## Supporting Document Schedules

### Review Status:

**Satisfied -Name:** ARKS-125432375

01/24/2008

**Comments:**

**Attachment:**

ARKS-125432375.pdf



2828 EAST TRINITY MILLS ROAD SUITE 150 CARROLLTON, TX 75006  
TEL: (214) 390-1825 FAX: (214) 390-1975

January 11, 2008

Honorable Julie Benafield Bowman  
Commissioner of Insurance  
Arkansas Insurance Department  
1200 West Third Street  
Little Rock, Arkansas 72201-1904

Attention: William R. Lacy, Director  
Property and Casualty Division

RE: Insurance Services Office, Inc.

FR 2007-OLTR1

Farm Program

Farm Liability and Farm Umbrella Liability Forms Relating to

Certified Acts Revised in Response to Terrorism Risk Insurance

Program Reauthorization Act of 2007

State of Arkansas

RECEIVED

JAN 14 2008

PROPERTY AND CASUALTY DIVISION  
ARKANSAS INSURANCE DEPARTMENT

Approved until withdrawn  
or revoked

JAN 23 2008

Arkansas Insurance Department

Dear Mr. Lacy:

On behalf of those participating insurers that have authorized ISO to do so, we hereby file the captioned revision. The purpose of this filing is to introduce changes necessary to bring ISO's forms into compliance with the Terrorism Risk Insurance Program Reauthorization Act of 2007.

This Act extends the federal Terrorism Risk Insurance Program (which was set to expire at the end of December 31, 2007) for a seven-year period, through December 31, 2014. Several other noteworthy changes in the Act include:

- Revision to the criteria for certification of an act to eliminate the requirement that the act be committed on behalf of a foreign person or foreign interest.
- Requirement to provide a clear and conspicuous disclosure of the \$100 billion cap on payments for insured losses, as well as a strengthening of that cap.
- Requirement that the Secretary of the Treasury develop regulations for determining the pro rata share of insured losses to be paid under the program when those insured losses exceed \$100 billion during any one program year.

Insurers are now faced with the task of overhauling policy administration systems to comply with the new requirements, including new policy language reflecting the revised definition of a certified

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act, additional disclosure requirements, and other issues. For this reason, we are proposing that this revision become effective in accordance with the following rule of application:

These changes are available for insurer use upon your approval.

To provide maximum flexibility to insurers in revising their policy administration systems, we propose that insurers are not required to advise you of the actual date on which they incorporate the attached into their workflow. This will avoid the need for unnecessary filings to delay effective dates, and takes into consideration the fact that insurers have varying system considerations and lead-time requirements.

It is very important that insurers have the tools contained in this filing available for use as soon as practicable. Your prompt approval of this critical filing is appreciated. Should you have any questions on the material contained herein, we would be happy to discuss them with you at your convenience.

Please return an acknowledged copy of this cover letter for our records. An addressed, stamped envelope is enclosed for your convenience.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald J. Beckel", written in a cursive style.

Donald J. Beckel, CPCU, ARM  
Assistant Regional Manager

DJB:db  
Encl.

	<u>Component/Form Name</u> <u>/Description/Synopsis</u>	Form # or Rate Page Include edition date	Replacement Or withdrawn?	If replacement, give form # or rate page(s) it replaces	Previous State Filing Number, if required by state
01	Cap On Losses From Certified Acts Of Terrorism	FB 10 40 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FB 10 40 11 02	
02	Exclusion Of Certified Acts Of Terrorism	FB 10 43 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FB 10 43 11 02	
03	Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism	FB 10 50 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FB 10 50 12 03	
04	Arkansas Changes - Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism	FB 10 59 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FB 10 59 10 04	
05	Certified Acts Of Terrorism Aggregate Limit; Cap On Losses From Certified Acts Of Terrorism	FL 10 40 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FL 10 40 12 03	
06	Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism	FL 10 44 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FL 10 44 12 03	
07	Cap On Losses From Certified Acts Of Terrorism	FL 10 70 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FL 10 70 11 02	
08	Exclusion Of Certified Acts Of Terrorism	FL 10 73 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FL 10 73 11 02	
09	Arkansas Changes - Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism	FL 10 96 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	FL 10 96 12 02	

# **Farm Liability And Farm Umbrella Liability Forms Relating To Certified Acts Revised In Response To Terrorism Risk Insurance Program Reauthorization Act Of 2007**

## **About This Filing**

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This filing revises certain Farm Liability and Farm Umbrella Liability terrorism endorsements in response to enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007.

## **Revised Forms**

We are revising the following endorsements:

- ◆ **FB 10 40 11 02** Cap On Losses From Certified Acts Of Terrorism [**new edition is FB 10 40 01 08**]
- ◆ **FB 10 43 11 02** Exclusion Of Certified Acts Of Terrorism [**new edition is FB 10 43 01 08**]
- ◆ **FB 10 50 12 03** Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism [**revised title conforms to the new edition FB 10 50 01 08**]
- ◆ **FB 10 59 10 04** Arkansas Changes – Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism [**new edition is FB 10 59 01 08**]
- ◆ **FL 10 40 12 03** Certified Acts Of Terrorism Aggregate Limit; Cap On Losses From Certified Acts Of Terrorism [**new edition is FL 10 40 01 08**]
- ◆ **FL 10 44 12 03** Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism [**revised title conforms to the new edition FL 10 44 01 08**]
- ◆ **FL 10 70 11 02** Cap On Losses From Certified Acts Of Terrorism [**new edition is FL 10 70 01 08**]
- ◆ **FL 10 73 11 02** Exclusion Of Certified Acts Of Terrorism [**new edition is FL 10 73 01 08**]

- ◆ **FL 10 96 12 02** Arkansas Changes – Exclusion Of Punitive Damages  
Related To A Certified Act Of Terrorism [**new edition is FL 10 96 01 08**]

We have used a format of ~~striking through~~ deletions, underlining additions and inserting a revision bar in the left margin to indicate changes from the current editions to the new editions. Concurrent with implementation, the new editions will supersede the prior editions.

## Related Filing(s)

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- ◆ Farm Rules Filing FR-2007-RLTR1 (Arkansas)
- ◆ Commercial Lines Forms Filing CL-2007-OTRP1
- ◆ Commercial Lines Rules Filing CL-2007-RTRP1

## Background

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The Terrorism Risk Insurance Act (TRIA) of 2002 established a program (Terrorism Risk Insurance Program) within the Department of the Treasury, under which the federal government shares, with the insurance industry, the risk of loss from future terrorist attacks. Pursuant to Section 103(c) of the Act, all insurers providing insurance for applicable lines of business are required to participate in the program by making available coverage for insured losses resulting from an act of terrorism as defined by the Act (so-called certified acts coverage). The Terrorism Risk Insurance Program was extended for two years, until December 31, 2007, by the Terrorism Risk Insurance Extension Act of 2005, which incorporated various changes with respect to federal share of losses and affected lines of business. We responded in the past to each of these enactments, with filings of disclosure forms and various endorsements addressing the terrorism risk.

## Current Environment

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The federal Terrorism Risk Insurance Program has been revised and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2007, which incorporates various changes to the Program. Certain changes, summarized as follows and recognized in the next section of this filing document, have an impact on ISO terrorism forms:

- ◆ Under Section 102(1)(A)(iv) of the Act, the definition of an act of terrorism (with respect to certification of such act) is revised by eliminating the criterion that the act be committed on behalf of a foreign person or foreign interest. As revised, the definition, in part, requires the act to have been committed by an individual or individuals as part of an effort to coerce the

civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

- ◆ Section 103(b)(3) of the Act requires disclosure of the existence of the \$100 billion cap on payments by insurers.
- ◆ Section 103(e)(2)(A) of the Act eliminates the provision asserting that Congress may take action to increase the \$100 billion cap in the event that insured losses exceed such cap; and Section 103(e)(2)(B) requires the Secretary of the Treasury to issue regulations for determining the pro rata share of insured losses to be paid under the Program (up to \$100 billion) when insured losses exceed \$100 billion.

## **Explanation of Changes**

### **Cap On Losses From Certified Acts Of Terrorism Endorsements FB 10 40 and FL 10 70**

### **Exclusion Of Certified Acts Of Terrorism Endorsements FB 10 43 and FL 10 73**

### **Arkansas Changes – Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism Endorsements FB 10 59 and FL 10 96**

### **Exclusion of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap on Losses From Certified Acts Of Terrorism Endorsements FB 10 50 and FL 10 44**

### **Certified Acts Of Terrorism Aggregate Limit; Cap On Losses From Certified Acts Of Terrorism Endorsements FL 10 40**

These endorsements are revised to:

- ◆ Remove reference to the original enactment of TRIA, the Act "of 2002".
- ◆ Revise the definition of certified act of terrorism to:
  - Delete the text "acting on behalf of any foreign person or foreign interest", in line with the revision to Section 102(1)(A)(iv) of the Act.
  - Reflect the fact that the definition includes appropriate details, but not all of the statutory wording, in setting forth the criteria for a certified act of terrorism.
  - Elaborate on the reference to aggregate losses, which are aggregate insured losses attributable to all types of insurance subject to TRIA.
- ◆ Revise the language expressing the existence and effect of the cap. As revised, the language explicitly refers to the amount of the cap and addresses allocation of insured losses, pursuant to Sections 103(e)(2)(A) and



103(e)(2)(B) of the Act. This revision is not applicable to Endorsements FB 10 43, FB 10 59, FL 10 73 or FL 10 96.

In addition, the word "Radiological" is added to the titles of Endorsements FB 10 50 and FL 10 44, in order to recognize the contemporary expression of the so-called NBCR exposure. That also reflects the wording of Paragraph A.1. of these endorsements.

## Copyright Explanation

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## Important Note

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

### FARM UMBRELLA LIABILITY POLICY

~~With respect to any one or more "certified acts of terrorism", we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act of 2002 (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses.~~

If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. ~~The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:~~

1. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals ~~acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.~~

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

### FARM UMBRELLA LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

#### **TERRORISM**

"Any injury or damage" arising, directly or indirectly, out of "a certified act of terrorism".

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Policy or "underlying insurance" to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal injury" or "advertising injury" as may be defined in any applicable Policy or "underlying insurance".

2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The ~~federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following~~ criteria for a "certified act of terrorism" include the following:

- a. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals ~~acting on behalf of any foreign person or foreign interest,~~ as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**EXCLUSION OF CERTIFIED ACTS OF NUCLEAR,  
BIOLOGICAL, OR CHEMICAL OR RADIOLOGICAL ACTS  
OF TERRORISM; CAP ON LOSSES FROM  
CERTIFIED ACTS OF TERRORISM**

This endorsement modifies insurance provided under the following:

FARM UMBRELLA LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

**TERRORISM**

"Any injury or damage" arising, directly or indirectly, out of a "certified act of terrorism". However, this exclusion applies only when one or more of the following are attributed to such act:

1. The terrorism involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination; or
2. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
3. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Policy or "underlying insurance" to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal injury" or "advertising injury" as may be defined in any applicable Policy or "underlying insurance".

2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:

- a. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

- C. In the event of any incident of a "certified act of terrorism" that is not subject to this exclusion, coverage does not apply to any loss or damage that is otherwise excluded under this Policy.

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D. ~~With respect to all "certified acts of terrorism", we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act of 2002 (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses. If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.~~

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ARKANSAS CHANGES – EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM

This endorsement modifies insurance provided under the following:

### FARM UMBRELLA LIABILITY POLICY

**A. The following exclusion is added:**

This insurance does not apply to:

**TERRORISM PUNITIVE DAMAGES**

Damages arising, directly or indirectly, out of a "certified act of terrorism" that are awarded as "punitive damages".

**B. The following definition is added:**

1. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:

- a. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and

b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals ~~acting on behalf of any foreign person or foreign interest~~, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

2. "Punitive damages" means damages that may be imposed to punish a wrongdoer and to deter others from similar conduct.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## CERTIFIED ACTS OF TERRORISM AGGREGATE LIMIT; CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

FARM LIABILITY COVERAGE FORM

### SCHEDULE

Certified Acts Of Terrorism Aggregate Limit: \$

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Coverage provided by this insurance for "bodily injury", "property damage", "personal injury" or "advertising injury", arising out of a "certified act of terrorism", is subject to the Certified Acts Of Terrorism Aggregate Limit as described in Paragraph B. of this endorsement.

B. The following are added to **Section II – Limits Of Insurance**:

Subject to Paragraph 2. of Section II – Limits Of Insurance, the Certified Acts Of Terrorism Aggregate Limit shown in the Schedule of this endorsement is the most we will pay for all:

1. "Bodily injury" or "property damage" under Coverage H;
2. "Personal injury" or "advertising injury" under Coverage I; and
3. Medical payments under Coverage J;

arising out of all "certified acts of terrorism". Paragraph 3., the Each Occurrence Limit, Paragraph 4., the Fire Damage Limit, Paragraph 5., the Personal and Advertising Injury Limit and Paragraph 6., the Medical Expense Limit, of Section II – Limits Of Insurance continue to apply to damages arising out of a "certified act of terrorism". Those limits will only be available if, and to the extent that, limits are available under the Certified Acts Of Terrorism Aggregate Limit.

C. The following definition is added:

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:

1. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

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D. ~~With respect to all "certified acts of terrorism", we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act of 2002 (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses. If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.~~

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**EXCLUSION OF CERTIFIED ACTS OF NUCLEAR,  
BIOLOGICAL, OR CHEMICAL OR RADIOLOGICAL ACTS  
OF TERRORISM; CAP ON LOSSES FROM  
CERTIFIED ACTS OF TERRORISM**

This endorsement modifies insurance provided under the following:

FARM LIABILITY COVERAGE FORM

A. The following exclusion is added:

This insurance does not apply to:

**TERRORISM**

"Any injury or damage" arising, directly or indirectly, out of a "certified act of terrorism". However, this exclusion applies only when one or more of the following are attributed to such act:

1. The terrorism involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination; or
2. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
3. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under the Farm Liability Coverage Form to which this endorsement is applicable, or covered under any endorsement modifying the Farm Liability Coverage Form, and includes but is not limited to "bodily injury", "property damage", "personal injury" or "advertising injury" as may be defined in the Farm Liability Coverage Form or in any endorsement modifying the Farm Liability Coverage Form.

2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:

- a. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

- C. In the event of any incident of a "certified act of terrorism" that is not subject to this exclusion, coverage does not apply to any loss or damage that is otherwise excluded under the Farm Liability Coverage Form or in any endorsement modifying the Farm Liability Coverage Form.

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D. With respect to all "certified acts of terrorism", we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act of 2002 (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses. If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

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## CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

FARM LIABILITY COVERAGE FORM

~~With respect to any one or more "certified acts of terrorism", we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act of 2002 (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses.~~

If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:

1. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals ~~acting on behalf of any foreign person or foreign interest,~~ as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

### FARM LIABILITY COVERAGE FORM

A. The following exclusion is added:

This insurance does not apply to:

#### TERRORISM

"Any injury or damage" arising, directly or indirectly, out of "a "certified act of terrorism".

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under the Farm Liability Coverage Form to which this endorsement is applicable, or covered under any endorsement modifying the Farm Liability Coverage Form, and includes but is not limited to "bodily injury", "property damage", "personal injury" or "advertising injury" as may be defined in the Farm Liability Coverage Form or in any endorsement modifying the Farm Liability Coverage Form.

2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:

- a. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals ~~acting on behalf of any foreign person or foreign interest,~~ as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

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## ARKANSAS CHANGES – EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM

This endorsement modifies insurance provided under the following:

### FARM LIABILITY COVERAGE FORM

**A. The following exclusion is added:**

This insurance does not apply to:

**TERRORISM PUNITIVE DAMAGES**

Damages arising, directly or indirectly, out of a "certified act of terrorism" that are awarded as "punitive damages".

**B. The following definitions are added:**

1. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism" include the following:

a. The act resulted in aggregate insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and

b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals ~~acting on behalf of any foreign person or foreign interest~~, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

2. "Punitive damages" means damages that may be imposed to punish a wrongdoer and to deter others from similar conduct.

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